IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 42 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

M A GADHIA - Petitioner(s)

Versus

VICE CHANCELLOR & 2 - Respondent(s)

==========

Appearance :

MS SRUSHTI A THULA for Petitioner(s) : 1,
MR AR THACKER for Respondent(s) : 1,
MS REETA CHANDARANA, AGP for Respondent(s) : 2 - 3.

==========

CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 07/03/2006

ORAL JUDGMENT

1.The grievance of the petitioner is that by virtue of impugned transfer order, he is sent out of Saurashtra University which in turn disqualified him from continuing as member of Senate. The Learned Single Judge of this Court passed order on 21-01-2006 by which

State Government was directed to reconsider the question of transfer and posting of petitioner. Pursuant to the said order State Government appears to have passed order dated 01-03-2006, copy of which is placed on record by learned AGP Ms Reeta Chandarana. By the said order petitioner is now transferred to Rajkot which is within Saurashtra University. In that view of the matter, main grievance of the petitioner that by virtue of his transfer and posting, his position in the Senate would be jeopardize, would not survive. In view of the above position, grievance of the petitioner at this stage does not survive. The learned advocate Ms. Thula does not press for the petition, same is disposed of as not pressed. Needles to say this Court has not expressed any opinion on the rival contentions and in future if the need so arises, it will be open for the petitioner to urge the same in appropriate proceedings. The petition stands disposed of accordingly. Rule is discharged with no order as to costs.

(Akil Kureshi,J.)

(raghu)